

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

ANTHONY RAY THOMPSON	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL NO. 06-PWG-1488-NE
	)	
WARDEN GRANT CULLIVER; ATTORNEY	)	
GENERAL FOR THE STATE OF ALABAMA,	)	
	)	
Respondents.	)	

**MEMORANDUM OF OPINION**

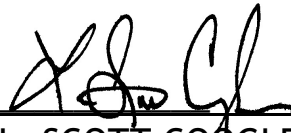
The magistrate judge filed findings and recommendation on April 30, 2007, recommending that the petition for writ of habeas corpus be dismissed as untimely. Petitioner was allowed an extension of time in which to file objections to the findings and recommendation. On August 6, 2007, petitioner filed objections to the findings and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and the objections filed by the petitioner, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. Because petitioner's challenged conviction became final prior to the April 24, 1996, effective date of the Anti-Terrorism and Effective Death Penalty Act, petitioner had until April

24, 1997, to file a federal habeas petition or toll the running of the federal limitation period. Petitioner has not identified any Rule 32 petition filed prior to August 24, 1997. He is therefore not entitled to equitable tolling of his federal habeas petition.

Accordingly, the petition for writ of habeas corpus is due to be DISMISSED as untimely. A Final Judgment will be entered.

Done this 17th day of August 2007.

  
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L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE  
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